

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shota Murakami et al. Art Unit : 3617
Serial No. : 10/574,977 Examiner : Jason R. Bellinger
Filed : April 7, 2006 Conf. No. : 5933
Title : PIN ASSEMBLY OF TRACK ROLLER BOGIE IN CRAWLER TYPE
TRAVELING APPARATUS AND CRAWLER TYPE TRAVELING
APPARATUS WITH THE ASSEMBLY

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM

Applicants hereby petition under 37 CFR 1.78(a)(3) that an unintentionally delayed priority claim under 35 USC 120 be accepted for the above-referenced application. Below, this Petition establishes the proper priority for this application, as well as the unintentional nature of Applicant's delay in setting forth a claim to this priority.

Proper Priority Claim

The proper priority for this application follows:

CROSS-REFERENCE TO RELATED APPLICATION

This application claims the benefit of priority to U.S. Patent Application Serial No. 10/683,629 entitled "Pin Assembly for Track Roller Bogie of Track-Type Drive System" filed on October 14, 2003, and now abandoned.

A supplemental amendment to amend the Specification with a claim to this priority is filed concurrently with this petition. A copy of the supplemental amendment is provided herewith. Entry of the supplemental amendment is hereby requested.

Unintentional Delay in Submission of the Priority Claim

Applicant's delay in setting forth a claim to this priority was unintentional. As established by the attached declaration, through their agent, Mutsumi International Patent Bureau, Komatsu Ltd. instructed timely submission of the above noted priority claim by their

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Attorney's Docket No.: 23697-015US1 / NF-2981

U.S. patent counsel Everest Intellectual Property Law Group. Komatsu Ltd. was not informed of the absence of submission of this priority claim until they received the Office Action mailed March 7, 2008 from Everest Intellectual Property Law Group. Upon being notified, Komatsu Ltd. timely responded with submission of the priority claim. As such, the entire delay between the date that the priority claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional.

Please apply a fee for the Petition to Accept an Unintentionally Delayed Priority Claim and any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: August 15 2008

/ Sushil Shrinivasan L0368 /
Sushil Shrinivasan
Reg. No. L0368

Fish & Richardson P.C.
PTO Customer No. 26171
Telephone: (202) 783-5070
Facsimile: (877) 769-7945
10863878.doc

DECLARATION

As a representative of Mutsumi International Patent Bureau (hereinafter "Mutsumi"), I declare that:

Mutsumi represents Komatsu Ltd., the assignee of record in U.S. Patent Application Serial No. 10/574,977 filed on April 7, 2006. Everest Intellectual Property Law Group represented Komatsu Ltd. before the U.S. Patent and Trademark Office at the time of the filing of this application.

On behalf of Komatsu Ltd., on March 28, 2006, we instructed Everest Intellectual Property Group to establish the following claim of priority for this application.

CROSS-REFERENCE TO RELATED APPLICATION

This application claims the benefit of priority to U.S. Patent Application Serial No. 10/683,269 entitled "Pin Assembly for Track Roller Bogie of Track-Type Drive System" filed on October 14, 2003, and now abandoned, the entire contents of which are incorporated herein by reference.

Between March 28, 2006 and present, the firms, Everest Intellectual Property Law Group and Fish & Richardson P.C. have represented Komatsu Ltd. before the U.S. Patent and Trademark Office. Each of these firms corresponded with Komatsu Ltd. through our firm. Yet, until we received the Office Action mailed March 7, 2008 from Everest Intellectual Property Law Group, we, and therefore, Komatsu Ltd., were unaware that the priority claim had not been made, as previously instructed.

Full Name of Mutsumi's representative: Takeo NOGUCHI

Mutsumi's representative's signature: Takeo Noguchi Date: 7-10-08

Address of Mutsumi's representative: Mutsumi International Patent Bureau
Bandai Bldg., 3rd floor,
10-14 Kanda-Awajicho 2-Chome
Chiyoda-Ku, Tokyo 101-0063, Japan.